



United States Government

NATIONAL LABOR RELATIONS BOARD

Office of the Executive Secretary

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January 3, 2017

Re: *Newark Portfolio JV, LLC v NLRB*, ____
F.App'x ____ 2016 WL 4547197 (3d Cir. decided
Sept. 1, 2016), denying enforcement to 362
NLRB No. 108 (2015), Board Case No. 22-CA-
100534

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Dear Mr. Romeo:

This is in response to your letter of December 19, 2016. Although the Court did not explicitly remand the technical-refusal-to-bargain case to the Board, the Court's decision denying enforcement of the bargaining order appears to contemplate further proceedings, consistent with the principle that the Board is free in such circumstances to continue to process the representation case consistent with the rulings of the reviewing court. See Freund Baking Co., 330 NLRB 17, 17 n.3 (1999) (citing cases). Any position statements filed by the parties will be in the ongoing representation proceeding, 22-RC-081108. **Accordingly, please submit such position statements by Tuesday, January 17, 2017.**

Very truly yours,

/s/ Farah Z. Qureshi
Associate Executive Secretary